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Application No. 09/416,192

REMARKS

Claims 1-37 are pending. Claims 1-16 and 18-24 are withdrawn from consideration. Claims 11-17 and 25-37 stand rejected. By this Amendment, claim 11 is amended to more distinctly claim Applicants' invention. The amendment of claim 11 is supported by the specification, for example, at page 1, lines 8-10. The claim amendment is not intended to narrow the claim in any way. No new matter is introduced by the amendment.

Rejection Over Rivonellie et al.

The Examiner rejected claims 11-17, 25-37 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,246,975 to Rivonellie et al. (the Rivonellie patent). However, the Rivonellie patent does not disclose the use of its systems and methods in the actual treatment program of living patients. Specifically, the approaches in the Rivonellie patent do not automatically update a patient's treatment protocol, as claimed by Applicants. Since the Rivonellie patent does not disclose a claimed feature of Applicants' invention, the Rivonellie patent does not anticipate Applicants' claimed invention.

Applicants respectfully request withdrawal of the rejection of claims 11-17, 25-37 under 35 U.S.C. 102(e) as being anticipated by the Rivonellie patent.

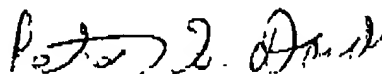
In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

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The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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**ATTACHMENT
MARKED-UP AMENDMENT**

11. (Twice Amended) A[n orthopedic] treatment control system comprising;
- a) a first computer;
 - b) a communication system allowing communication between the first computer and another computer; and
 - c) an analysis interaction algorithm performed by the first computer, wherein the analysis interaction algorithm automatically evaluates and updates a patient's treatment protocol.